



# **Industry Perspective on Final Part 52 Rule**

Industry Briefing of NRC Commission  
November 9, 2006



# Industry Panel

- Marvin Fertel, Chief Nuclear Officer, NEI
- Scotty Hinnant, Chief Nuclear Officer, Progress Energy & Chairman of NEI New Plant Working Group
- Marilyn Kray, President, NuStart Energy



# Part 52

- After 8 years the rule needs to be issued
  - COL applications will be at the final review stage in six months
- Recommendation: Issue final rule with a few specific changes
  - Avoid misinterpretation
  - Increase certainty
  - Improve implementation efficiency



# Issues

- Environmental finality
- Design certification change process
- Section 52.99 -- new requirements
- International operating experience
- Regulation by generic communication
- Severe accident issues



# Environmental Finality

- Environmental finality is critical issue
- Use COL environmental report to define issues
- Use of NEPA scoping process to provide opportunity for public comment would improve process
- NRC Staff evaluates public comments
  - Determines if significant new information has been identified
  - Issues Commission-approved notice on scope of proceeding



# Design Certification Change Process

- Rule should support concept of design certification finality
- Rulemaking for design changes beyond those permitted by existing regulations should only be initiated based on insights from:
  - First-of-a-Kind Engineering
  - Construction



# Construction Inspection (\$52.99)

- NRC October 25 new rule language
  - Does not reflect the intense NRC construction inspection program, Sign-As-You-Go approach
  - Does not reflect detailed industry & NRC schedules for supporting ITAAC activities
  - Impractical for implementation
- More public dialogue is critical before rule is finalized



# Evaluation of International Operating Experience (OE)

- The rule should not require COL applicants to monitor and evaluate international OE comparable to NRC generic letters and bulletins
  - NRC Office Instruction LIC-400 requires the staff to factor international OE into NRC programs





# Regulation by Generic Communication & Guidance

- Applicants should not be required to demonstrate how generic letters and bulletins have been incorporated into plant design
- Insight from generic communications must be incorporated into rules, SRP and guidance as issues are resolved



# Severe Accident Issues

- Severe accidents are not §50.2 design bases
- Change process for severe accident design features is unclear and inconsistent with SOC and standard regulatory change processes
- Rule change needed to:
  - Make the regulation consistent with standard regulatory practices
  - State the requirement only applies to a specific set of ex-vessel severe accident events that are not design bases accidents



# Limited Work Authorizations

- Proposed rule has many positive aspects
- Remaining issues requiring resolution
  - Excavation
  - Scope of facilities subject to LWA



# Licensing/Hearing Process Enhancements

- Industry supports issuance of October 20 Draft Policy Statement
- Further process improvements for consideration
  - Establish target milestones for SER & EIS
  - Start ESP and COL hearings based on draft SER & EIS
  - Focus hearing on application-specific issues



# In Addition...

- Eliminate the uncontested part of the mandatory ESP and COL hearing
- Specify use of informal, legislative-type hearings under Section 52.103 (ITAAC)



# Summary

- Need to finalize the rule but...
  - Changes are needed to avoid misinterpretation, improve certainty and effectiveness
- Need timely dialogue with NRC staff on §52.99
- Industry will provide written amplification of these comments

